

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS NANCY L. SMITH		DEFENDANTS N3 OCEANIC, INC.	
(b) County of Residence of First Listed Plaintiff MONTGOMERY <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>		County of Residence of First Listed Defendant MONTGOMERY <i>(IN U.S. PLAINTIFF CASES ONLY)</i>	
(c) Attorneys (Firm Name, Address, and Telephone Number) Michael E. Alpago, Esquire Hahalis & Kounoupis, P.C. 20 East Broad Street Bethlehem, PA 18018 610-865-2608		Attorneys <i>(If Known)</i> Randal S. White, Esquire Fox Rothschild LLP 2700 Kelly Road, Suite 300 Warrington, PA 18976 215-343-3610	
II. BASIS OF JURISDICTION <i>(Place an "X" in One Box Only)</i>		III. CITIZENSHIP OF PRINCIPAL PARTIES <i>(Place an "X" in One Box for Plaintiff and One Box for Defendant)</i>	
<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question <i>(U.S. Government Not a Party)</i>	Citizen of This State <input checked="" type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF	Incorporated or Principal Place of Business In This State <input type="checkbox"/> 4 PTF <input type="checkbox"/> 4 DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity <i>(Indicate Citizenship of Parties in Item III)</i>	Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3	Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6
IV. NATURE OF SUIT <i>(Place an "X" in One Box Only)</i>			
CONTRACT		TORTS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans <i>(Excludes Veterans)</i> <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise		PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	
		PERSONAL PROPERTY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	
REAL PROPERTY		CIVIL RIGHTS	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property		PRISONER PETITIONS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input checked="" type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities Employment <input type="checkbox"/> 446 Amer. w/Disabilities Other <input type="checkbox"/> 448 Education	
		Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	
V. ORIGIN <i>(Place an "X" in One Box Only)</i>			
<input type="checkbox"/> 1 Original Proceeding		<input checked="" type="checkbox"/> 2 Removed from State Court	
<input type="checkbox"/> 3 Remanded from Appellate Court		<input type="checkbox"/> 4 Reinstated or Reopened	
		<input type="checkbox"/> 5 Transferred from Another District	
		<input type="checkbox"/> 6 Multidistrict Litigation	
VI. CAUSE OF ACTION		Cite the U.S. Civil Statute under which you are filing <i>(Do not cite jurisdictional statutes unless diversity)</i> : 29 U.S.C. §631	
		Brief description of cause: Age Discrimination	
VII. REQUESTED IN COMPLAINT:		<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.	
		DEMAND S	
		CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
VIII. RELATED CASE(S) IF ANY		<i>(See instructions):</i> JUDGE DOCKET NUMBER	
DATE 2/12/2016		SIGNATURE OF ATTORNEY OF RECORD EMMA M. KLINE, ESQUIRE	
FOR OFFICE USE ONLY			
RECEIPT #		AMOUNT	
APPLYING IFP		JUDGE	
		MAG. JUDGE	

Emma M. Kline

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NANCY L. SMITH,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO.
	:	
v.	:	
	:	
N3 OCEANIC, INC.	:	
	:	
Defendant.	:	

NOTICE OF REMOVAL OF DEFENDANT N3 OCEANIC, INC.

Pursuant to 28 U.S.C. § 1441 *et seq.*, Defendant, N3 Oceanic, Inc. (“N3”), by its undersigned counsel, hereby files this Notice of Removal to remove this action from the Court of Common Pleas of Montgomery County, Pennsylvania, in which it is now pending, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof, avers as follows:

1. Plaintiff, Nancy Smith, commenced this action for purposes of state law by filing a praecipe for issuance of a writ of summons on October 23, 2015.
2. Plaintiff did not file or serve N3 with any initial pleading setting forth her claims until January 21, 2016, at which time N3 was served with a copy of the Complaint styled as *Nancy Smith v. N3 Oceanic, Inc.*, Civil Action No. 2015-28250 in the Court of Common Pleas of Montgomery County.
3. Plaintiff’s Complaint includes claims based upon N3’s purported violation of the federal Age Discrimination in Employment Act (“ADEA”).
4. A true and correct copy of all pleadings served upon N3 to date in the state court proceedings are attached hereto as Exhibit “A.”

5. The present lawsuit is removable from the state court to this Court, pursuant to 28 U.S.C. § 1441(a), because the Complaint alleges under the the federal ADEA against N3, and such claims are within the original jurisdiction conferred on the district courts of the United States by 28 U.S.C. § 1331.

6. This notice of removal is timely filed under 28 U.S.C. § 1446(b) because the notice is filed within thirty days of service of a copy of the Complaint on January 21, 2016.

7. Venue is properly laid in this district, pursuant to 28 U.S.C. § 1391(b) and (c) because a substantial part of the events giving rise to Plaintiff's alleged claims occurred in this district, and N3 is subject to personal jurisdiction within this district.

8. As required by 28 U.S.C. § 1446(d), N3 will provide written notice of the filing of this Notice of Removal to Plaintiff. N3 will also file a copy of this Notice of Removal with the Prothonotary of the Court of Common Pleas of Montgomery County, Pennsylvania.

WHEREFORE, notice is hereby given that this action is removed from the Court of Common Pleas of Montgomery County, Pennsylvania to the United States District Court for the Eastern District of Pennsylvania.

FOX ROTHSCHILD LLP

By: Emma M. Kline

Emma M. Kline, Esquire
Attorney I.D. No. 314027
Attorneys for Defendant,
N3 Oceanic, Inc.

Dated: February 16, 2016

EXHIBIT “A”

10/26/2015

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

SMITH NANCY

vs.

N3 OCEANIC INC

NO. 2015-28250

PRAECIPE FOR SUMMONS

To the Prothonotary:

Issue Summons in Civil Action in the above case.

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

GEORGE KOUNOUPIS

Filing Party

49798

ID Number

Date 10/23/2015

MAHALIS & KOUNOUPIS

Firm Name

20 E. BROAD STREET

Address

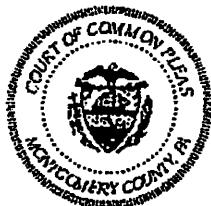
BETHLEHEM, PA 18018

610-865-2608

Phone

TO: Defendant(s)

You are notified that the Plaintiff(s) has / have commenced an action against you.




Prothonotary, Montgomery County

Date: 10/23/2015

By: Marissa Lobb
Clerk / Deputy

Addresses must be included for all parties.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

SMITH NANCY

vs.

N3 OCEANIC INC

NO. 2015-28250

PRAECIPE TO REINSTATE / REISSUE

TO THE PROTHONOTARY:

REISSUE WRIT
 REINSTATE COMPLAINT

**ORIGINAL SIGNATURE RETAINED
BY THE FILING PARTY**

Signature/ID Number

GEORGE KOUNOUPIS

Print Name

20 E. BROAD STREET

Address

BETHLEHEM, PA 18018

610-865-2608

Phone

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

SMITH NANCY

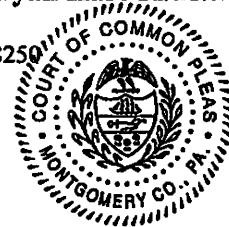
vs.

N3 OCEANIC INC

REISSUED

Bryan Hart 11/25/2015

NO. 2015-28250



PRAECLPICE FOR SUMMONS

To the Prothonotary:

Issue Summons in Civil Action in the above case.

ORIGINAL SIGNATURE RETAINED BY THE FILING PARTY

Signature

GEORGE KOUNOUPIS

Filing Party

49798

ID Number

Date 10/23/2015

HAHALIS & KOUNOUPIS

Firm Name

20 E. BROAD STREET

Address

BETHLEHEM, PA 18018

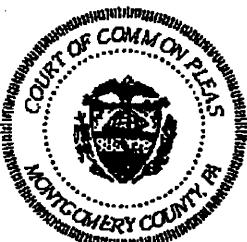
610-865-2608

Phone

* * * * *

TO: Defendant(s)

You are notified that the Plaintiff(s) has / have commenced an action against you.



Prothonotary, Montgomery County

Date: 10/23/2015

By: Marissa Lobb

Clerk / Deputy

Addresses must be included for all parties.

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

SMITH NANCY

vs.

N3 OCEANIC INC

NO. 2015-28250

CIVIL COVER SHEET

State Rule 205.5 requires this form be attached to any document commencing an action in the Montgomery County Court of Common Pleas. The information provided herein is used solely as an aid in tracking cases in the court system. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Name of Plaintiff/Appellant's Attorney: GEORGE S KOUNOUPIS, Esq., ID: 49798

Self-Represented (Pro Se) Litigant

Class Action Suit Yes No

MDJ Appeal Yes No

Money Damages Requested

Commencement of Action:

Amount in Controversy:

Writ of Summons

More than \$50,000

Case Type and Code

Tort:

Other

Other:

EMPLOYMENT

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA

SMITH NANCY

vs.

N3 OCEANIC INC

NO. 2015-28250

NOTICE TO DEFEND - CIVIL

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW. THIS OFFICE CAN PROVIDE YOU WITH INFORMATION ABOUT HIRING A LAWYER.

IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT A REDUCED FEE OR NO FEE.

LAWYER REFERENCE SERVICE
MONTGOMERY BAR ASSOCIATION
100 West Airy Street (REAR)
NORRISTOWN, PA 19404-0268

(610) 279-9660, EXTENSION 201

Supreme Court of Pennsylvania

Court of Common Pleas

Civil Cover Sheet

MONTGOMERY

County

For Prothonotary Use Only:

Docket No:

2015-28250

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

S E C T O R N A M E : Case 2015-28250-9 Docketed at Montgomery County Prothonotary on 01/12/2016 3:07 PM, Fee = \$0.00		For Prothonotary Use Only:	
Commencement of Action: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer from Another Jurisdiction <input type="checkbox"/> Petition <input type="checkbox"/> Declaration of Taking			
Lead Plaintiff's Name: Nancy L. Smith		Lead Defendant's Name: N3 Oceanic, Inc.	
Are money damages requested? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Dollar Amount Requested: <input type="checkbox"/> within arbitration limits (check one) <input checked="" type="checkbox"/> outside arbitration limits	
Is this a Class Action Suit? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this an MDJ Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Name of Plaintiff/Appellant's Attorney: Michael E. Alpago <input type="checkbox"/> Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)			
Nature of the Case: Place an "X" to the left of the <u>ONE</u> case category that most accurately describes your PRIMARY CASE . If you are making more than one type of claim, check the one that you consider most important.			
TORT (do not include Mass Tort) <input type="checkbox"/> Intentional <input type="checkbox"/> Malicious Prosecution <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Nuisance <input type="checkbox"/> Premises Liability <input type="checkbox"/> Product Liability (does not include mass tort) <input type="checkbox"/> Slander/Libel/ Defamation <input type="checkbox"/> Other: _____		CONTRACT (do not include Judgments) <input type="checkbox"/> Buyer Plaintiff <input type="checkbox"/> Debt Collection: Credit Card <input type="checkbox"/> Debt Collection: Other _____ <input checked="" type="checkbox"/> Employment Dispute: Discrimination <input type="checkbox"/> Employment Dispute: Other _____ <input type="checkbox"/> Other: _____	
MASS TORT <input type="checkbox"/> Asbestos <input type="checkbox"/> Tobacco <input type="checkbox"/> Toxic Tort - DES <input type="checkbox"/> Toxic Tort - Implant <input type="checkbox"/> Toxic Waste <input type="checkbox"/> Other: _____		CIVIL APPEALS <input type="checkbox"/> Administrative Agencies <input type="checkbox"/> Board of Assessment <input type="checkbox"/> Board of Elections <input type="checkbox"/> Dept. of Transportation <input type="checkbox"/> Statutory Appeal: Other _____ <input type="checkbox"/> Zoning Board <input type="checkbox"/> Other: _____	
PROFESSIONAL LIABILITY <input type="checkbox"/> Dental <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional: _____		REAL PROPERTY <input type="checkbox"/> Ejectment <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Ground Rent <input type="checkbox"/> Landlord/Tenant Dispute <input type="checkbox"/> Mortgage Foreclosure: Residential <input type="checkbox"/> Mortgage Foreclosure: Commercial <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Other: _____	
		MISCELLANEOUS <input type="checkbox"/> Common Law/Statutory Arbitration <input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Mandamus <input type="checkbox"/> Non-Domestic Relations <input type="checkbox"/> Restraining Order <input type="checkbox"/> Quo Warranto <input type="checkbox"/> Replevin <input type="checkbox"/> Other: _____	

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

R:

S:

in the
Court
of Common
Please

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

NANCY L. SMITH, :
Plaintiff, : CIVIL ACTION
: :
: No.: 2015-28250
v. : :
: :
N3 OCEANIC, INC., :
Defendant. : JURY TRIAL DEMANDED

NOTICE

MA

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

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IF YOU CANNOT AFFORD TO HIRE A LAWYER, THIS OFFICE MAY BE ABLE TO PROVIDE YOU WITH INFORMATION ABOUT AGENCIES THAT MAY OFFER LEGAL SERVICES TO ELIGIBLE PERSONS AT REDUCED FEE OR NO FEE.

LAWYER REFERRAL SERVICE
MONTGOMERY BAR ASSOCIATION
100 WEST AIRY STREET (REAR)
NORRISTOWN, PA 19401
(610) 279-9660, EXTENSION 201

IN THE COURT OF COMMON PLEAS OF MONTGOMERY COUNTY, PENNSYLVANIA
CIVIL DIVISION

NANCY L. SMITH, :
Plaintiff, : CIVIL ACTION
: :
: No.: 2015-28250
v. :
: :
N3 OCEANIC, INC., :
Defendant. : JURY TRIAL DEMANDED

COMPLAINT

I. PRELIMINARY STATEMENT

This is an action for an award for damages, liquidated damages, declaratory and injunctive relief, attorney's fees and other relief on behalf of Plaintiff, Nancy L. Smith (hereinafter "Plaintiff"). Plaintiff was an employee of Defendant, N3 Oceanic, Inc. (hereinafter, "N3 Oceanic"), who has been harmed by violations of Age Discrimination in Employment Act of 1967 ("ADEA"), 29 U.S.C. § 621 *et seq.*, as amended.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction in this matter because N3 Oceanic has its principal place of business in Pennsylvania and generally transacts business within the Commonwealth of Pennsylvania and Plaintiff resides within the Commonwealth of Pennsylvania.
2. Venue is properly laid in the Court of Common Pleas of Montgomery County, Pennsylvania under Pa. R.C.P. 1006 *et seq.* in that an essential part of the events or omissions giving rise to the claims in this Complaint occurred in Montgomery County, Pennsylvania and the principal place of business of N3 Oceanic is 404 Main Street, Pennsbury, Montgomery County, Pennsylvania.

3. All conditions precedent to the institution of this suit have been fulfilled.
4. Plaintiff has invoked the procedure set forth in the ADEA. On or about March 9, 2015, Plaintiff filed a Charge of Discrimination with the Equal Employment Opportunity Commission ("EEOC"), which was jointly filed with the Pennsylvania Human Relations Commission ("PHRC"), against N3 Oceanic alleging, inter alia, age based employment discrimination and retaliation.
5. More than 60 days have passed since Plaintiff was terminated by N3 Oceanic.

III. PARTIES

6. Plaintiff is a seventy-two (72) year old female citizen and resident of the Commonwealth of Pennsylvania, residing in Quakertown, Bucks County. Plaintiff, at all times pertinent hereto, was employed by N3 Oceanic as a Customer Service Representative ("CSR") from approximately February 2, 2004 through September 12, 2014.
7. At all times relevant herein, Plaintiff was a "person" and "employee" as defined by the ADEA, 29 U.S.C. § 630, and is subject to the provisions of said Act.
8. N3 Oceanic is a corporation organized and doing business under the laws of the Commonwealth of Pennsylvania with registered offices and a principle place of business at 404 Main Street, Pennsburg, Pennsylvania.
9. At all times relevant herein, N3 Oceanic was an "employer" and "person" as defined by the ADEA, 29 U.S.C. § 630, and is subject to the provisions of said Act.
10. N3 Oceanic has, acting through its agents, servants and representatives, on more than one occasion, met with the Plaintiffs, and has heard allegations from the Plaintiffs of

age-based discrimination, and retaliation

11. At all times relevant hereto, N3 Oceanic was acting through its agents, servants and employees, including but not limited to Stephanie Kintzel, Plaintiff's Supervisor, Fred Pello, N3 Oceanic's President, and Judy Ackerman, N3 Oceanic's Controller, who were acting within the scope of their authority, course of employment and under the direct control of N3 Oceanic.
12. At all times relevant hereto, N3 Oceanic acted by and/or failed to act by and through the conduct of its officers, managers, agents and employees, all acting within the scope and course of their employment.
13. At all relevant times herein, N3 Oceanic knew, or had reason to know, of the actions and inaction alleged herein and/or has personally participated in some of said actions and is ultimately responsible for same.

IV. CAUSES OF ACTION

14. Plaintiff is a 72 year old female who was employed by N3 Oceanic as a CSR from approximately February 2, 2004 through September 12, 2014. Plaintiff was the oldest CSR employed by N3 Oceanic.
15. At all relevant times, Plaintiff's supervisors were Stephanie Kintzel ("Kintzel"), Plaintiff's Supervisor; Fred Pello ("Pello"), N3 Oceanic's President; and Judy Ackerman ("Ackerman"), N3 Oceanic's Controller. Kintzel and Ackerman were both significantly younger than Plaintiff.
16. During Plaintiff's employment with N3 Oceanic, Plaintiff performed her job duties in a proper and competent manner.

17. Despite her proper and competent performance, N3 Oceanic, through Kintzel, Pello, and Ackerman, began to harass and discriminate against Plaintiff due to her age in early 2014, shortly after Kintzel was assigned to supervise N3 Oceanic's Customer Service Representatives, and targeted Plaintiff for termination so N3 Oceanic could develop a younger workforce.
18. N3 Oceanic's harassment and discriminatory conduct based on Plaintiff's age includes but is not limited to:
 - a. Subjecting Plaintiff to hyper-criticism and hyper-scrutiny while other younger employees were not treated in such a manner;
 - b. Berating Plaintiff for false and baseless reasons even though younger employees were not berated for the same conduct; and
 - c. Disciplining Plaintiff for manufactured and baseless reasons and for reasons that other younger employees were not disciplined for.
19. Plaintiff complained of this discriminatory conduct to Pello and Ackerman in May or June of 2014.
20. In response to this complaint of age-based discrimination, N3 Oceanic took no remedial action, did not investigate these complaints, and permitted the discriminatory and harassing conduct to continue unabated.
21. Plaintiff continued to perform her job duties in a proper and competent manner even though N3 Oceanic's harassment and discriminatory conduct continued; in fact, Plaintiff was told she was performing her job duties well on September 9, 2014.
22. However, three days later on or about September 12, 2014, Plaintiff's employment was

terminated due to an alleged customer complaint in August of 2014 and because business was slow.

23. Four days prior to Plaintiff's termination, N3 Oceanic created an additional CSR position and hired an 18 year old to fill this position. This was done even though there was no increase in work or legitimate business reason to add an additional CSR. N3 Oceanic created this position and hired this individual so that individual could be trained before N3 Oceanic terminated Plaintiff's employment and there could be a smooth transition. As a result, this 18 year old CSR was hired as Plaintiff's replacement.

24. N3 Oceanic's reason for termination was manufactured and pretextual in order to conceal the age-based animus for discrimination and to retaliate against Plaintiff for reporting age-base discrimination. Specifically, with regard to the alleged customer complaint, N3 Oceanic speculated that the customer complaint was about Plaintiff and therefore, used this baseless reason to terminate her employment. However, there was nothing to indicate Plaintiff was the CSR the customer complained about and N3 Oceanic never discussed this incident with Plaintiff as N3 Oceanic was searching for any reason to terminate Plaintiff's employment. Further, N3 Oceanic stated Plaintiff's employment was terminated because business was slow, however, an 18 year old was hired a few days prior to Plaintiff termination and there were other individuals with less seniority than Plaintiff who could have been let go if business was slow. As a result, these bases was false, manufactured and pretextual.

25. Plaintiff believes and avers that she was replaced by an individual substantially younger

than her and outside the ADEA protected class.

26. N3 Oceanic engaged in this aforementioned harassment and discriminatory and retaliatory conduct as part of a practice of ousting older employees and maintaining a younger work staff.
27. Plaintiff was terminated by N3 Oceanic solely due to her age.
28. As a direct result of N3 Oceanic's conduct, Plaintiff has been irrevocably damaged.
29. As a direct result of N3 Oceanic's above-stated conduct, Plaintiff has suffered on-going back-pay and front-pay losses.
30. As a direct result of N3 Oceanic's above-stated conduct, Plaintiff has suffered and continues to suffer emotional, psychological, and physical distress and humiliation.
31. As a direct result of N3 Oceanic's above-stated conduct, Plaintiff's career, professional and job opportunities has been impaired and damaged and she has suffered a loss of earnings and earning capacity.

COUNT I

PLAINTIFF v. N3 OCEANIC

AGE DISCRIMINATION AND RETALIATION IN VIOLATION OF THE ADEA

32. Paragraphs 1 through 31 inclusive, are incorporated by reference as if fully set forth at length herein.
33. Solely because of Plaintiff's age, Plaintiff was treated disparately and denied the opportunity to continue in her employment with N3 Oceanic and retaliated for "protected conduct" under the ADEA.
34. The foregoing acts of N3 Oceanic constitute unlawful discrimination against Plaintiff in violation of the ADEA.

35. The action of N3 Oceanic is without reason or basis and is so arbitrary, capricious, and unfounded that Plaintiff is thereby denied due process of law.

36. Plaintiff has no adequate remedy at law.

37. As a direct result of N3 Oceanic's willful and unlawful actions in treating Plaintiff in a discriminatory and retaliatory manner solely because of her age, in violation of the ADEA, Plaintiff has sustained loss of earnings, and benefits, plus loss of future earning power, plus back pay, front pay and interest due thereon.

**STATEMENT OF FACTS JUSTIFYING
THE IMPOSITION OF PUNITIVE/LIQUIDATED DAMAGES**

38. Paragraphs 1 through 37, inclusive, are incorporated by reference as if fully set forth at length herein.

39. At all times relevant hereto, N3 Oceanic knew or should have known of the pattern of conduct in which its agents, servants and representatives had engaged.

40. At all times relevant hereto, N3 Oceanic knew or should have known that the aforesaid pattern of conduct was in violation of the law.

41. Despite such knowledge, N3 Oceanic failed to adequately investigate, discipline or discharge its agents, servants and representatives who created a hostile work environment, discriminated against Plaintiff and subjected Plaintiff to disparate treatment.

42. N3 Oceanic failed and refused to properly protect and support Plaintiff and in fact subject or permitted her to be subjected to discrimination, harassment, and retaliation.

43. At all times relevant hereto, N3 Oceanic acted willfully, wantonly, recklessly and with

an outrageous disregard and indifference to the rights, safety and well-being of Plaintiff and other employees similarly situated.

V. PRAYER FOR RELIEF

44. Paragraphs 1 through 43, inclusive, are incorporated by reference as if fully set forth at length herein.

WHEREFORE, Plaintiff request this Court to enter judgment in her favor and against N3 Oceanic and request that this Court:

- a. Exercise jurisdiction over her claims;
- b. Award traditional tort remedies such as compensatory damages, pain and suffering, physical and emotional distress, economic loss, time loss, severe emotional trauma, including, and punitive/liquidated damages as may be available under law;
- c. Issue declaratory and injunctive relief declaring the above-described practices to be unlawful, and enjoining their past and continued effects;
- d. Order N3 Oceanic compensate Plaintiff with a rate of pay and other benefits and emoluments to employment, to which they would have been entitled, had they not been subject to unlawful discrimination;
- e. Order N3 Oceanic to compensate Plaintiff with an award of front pay, if appropriate;
- f. Order N3 Oceanic to compensate Plaintiff for the wages and other benefits and emoluments of employment lost, because of their unlawful conduct;
- g. Order N3 Oceanic to pay to Plaintiff punitive damages and compensatory

damages for future pecuniary losses, pain, suffering, inconvenience, mental anguish, loss of enjoyment of life and other non-pecuniary losses as allowable;

- h. Order N3 Oceanic to pay to Plaintiff pre and post judgment interest, costs of suit and attorney and expert witness fees as allowed by law;
- i. Award such other relief as is deemed just and proper.

JURY DEMAND

Plaintiff demands trial by jury.

HAHALIS & KOUNOUPIS, P.C.

By:

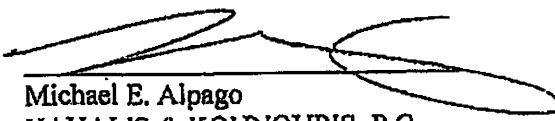

MICHAEL E. ALPAGO, ESQUIRE

20 East Broad Street
Bethlehem, PA 18018
(610) 865-2608
Attorneys for Plaintiff

Dated: January 21, 2016

VERIFICATION

I, Michael E. Alpago, verify that I am the Plaintiff's attorney in this civil action and that the facts contained herein are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa.C.S. §4904 relating to unsworn falsifications to authorities.


Michael E. Alpago
HAHALIS & KOUNOUPIS, P.C.

§4904

Dated: January 21, 2016

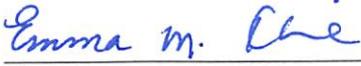
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

NANCY L. SMITH,	:	CIVIL ACTION
	:	
Plaintiff,	:	NO.
	:	
v.	:	
	:	
N3 OCEANIC, INC.	:	
	:	
Defendant.	:	

CERTIFICATE OF SERVICE

I, Emma M. Kline, Esquire, hereby certify that a true and correct copy of the foregoing Notice of Removal of N3 Oceanic, Inc. was served upon the following individuals by United States first class mail, postage prepaid, and addressed as follows:

Michael E. Alpago, Esquire
Hahalis & Kounoupis, P.C.
20 East Broad Street
Bethlehem, PA 18018



Emma M. Kline, Esquire

Dated: February 16, 2016